



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLT
F.#2010R01661

271 Cadman Plaza East
Brooklyn, New York 11201

September 5, 2013

By Hand Delivery and ECF

The Honorable Dora L. Irizarry
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Alvarez
Criminal Docket No. 11-486 (S-1)(DLI)

Dear Judge Irizarry:

The government respectfully submits this letter in anticipation of sentencing in the above-captioned case, which is scheduled for September 16, 2013. For the reasons stated in it's letter dated August 14, 2013, the government agrees with the defendant that the correct Guidelines calculation is an offense level of 17 and criminal history category of III. The government also agrees that the defendant qualifies for an additional two-level reduction based on a global disposition. Accordingly, with a total offense level of 15, the advisory Guidelines range is 24 to 30 months.¹

On August 30, 2013, the defendant submitted a sentencing memorandum asking for a sentence of 30 months - i.e. a sentence within the advisory Guidelines. Pursuant to the plea agreement, the government is precluded from taking a position regarding where within the advisory Guidelines range the defendant should be sentenced, and may not seek an above-Guidelines sentence. Accordingly, the government has no objection to the defendant's request for a sentence of 30 months. Notably, even if the Court adopts the PSR's calculation of the

¹ The PSR calculates the defendant's offense level to be 17, because of an enhancement for the use of violence. Both the defendant and the government objected to this enhancement. If the Court nonetheless adopts the PSR's view of the enhancement, the advisory Guidelines range would be 30 to 37 months.

advisory Guidelines range, a 30-month sentence would still be within the advisory range.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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Assistant U.S. Attorneys

cc: Clerk of the Court (DLI) (by ECF)
Michelle Gelernt, Esq. (by ECF)